

ENTERED

November 29, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

DUSTIN SANFORD,

Plaintiff,

VS.

THE LOPEZ UNIT WARDEN, *et al*,

Defendants.

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MISC. ACTION NO. 7:14-MC-01431

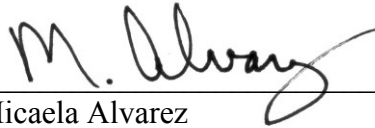
ORDER ADOPTING REPORT AND RECOMENDATION

Pending before the Court is Plaintiff's §1983 Motion and Application to Proceed in Forma Pauperis ("IFP"), which had been referred to the Magistrate Court for a report and recommendation. On November 6, 2018, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's IFP Application be denied and Plaintiff's §1983 Motion be dismissed without prejudice as to all parties. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Petitioner's IFP Application is **DENIED** and that Plaintiff's § 1983 Motion is **DISMISSED** without prejudice as to all parties.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 29th day of November, 2018.



Micaela Alvarez
United States District Judge

¹ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in* ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).